IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.33383-M of 2006
Date of Decision:- 11.05.2007

Yash Pal & ors. ....Petitioner(s)

through
Mr.K.K.Bansal, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.K.S.Pannu, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.39 dated 23.4.2006 under Sections 353/186/506/356/148/149 IPC and Sections 3 and 4 of the SC & ST Act, 1989 registered at Police Station Maur District Bathinda as well as all the proceedings arising therefrom.

Various contentions have been raised on behalf of the petitioners which are, however, founded upon the disputed questions of fact which cannot be gone into in these proceedings. That apart it is pointed out by learned State counsel that the charges have already been framed and the case is now fixed for prosecution evidence.

In this view of the matter, this petition is disposed of with liberty to the petitioners to raise all the contentions before the learned trial Court at an appropriate stage which shall be gone into in accordance with law by the learned trial Court.

However, having regard to all the attending circumstances and the fact that their co-accused can also safeguard their interest, liberty is granted to petitioners No.4 and 5 to move an application before the learned trial Court to grant them exemption from personal appearance and if any such application is moved by them, the learned trial Court is directed to grant them exemption, however, subject to the following conditions that they:-(i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; and (iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel; (v) any other condition which the learned trial Court may impose.

May 11, 2007 **(SURYA KANT)**
poonam **JUDGE**